

**SENATE JOURNAL**  
 Sixty-fifth General Assembly  
**STATE OF COLORADO**  
 Second Regular Session

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112th Legislative Day Tuesday, May 2, 2006

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- Prayer By the chaplain, Father Dennis Woerter, St. Dominic Catholic Parish, Denver.
- Pledge By Senator Johnson.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--30.  
Absent--5; Groff, Grossman, Lamborn, Traylor, Wiens.  
Present later--Groff, Grossman, Lamborn, Traylor, Wiens.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Isgar, reading of the Journal of May 1, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

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**MESSAGE FROM THE HOUSE**

May 1, 2006  
 Madame President:

The Speaker announced: Rep. Green has replaced Rep. Madden as the prime House sponsor on SB06-214.

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On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions -- SJR06-038 and SJR06-042.

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**CONSIDERATION OF RESOLUTIONS**

**SJR06-038** by Senator(s) Windels; also Representative(s) Merrifield, Todd--Concerning honoring Colorado teachers on National Teacher Day.

On motion of Senator Windels, the resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	0	ABSENT	2
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	A
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	A	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Hagedorn, Isgar, Johnson, Jones, Keller, Kester, May R., McElhany, Mitchell, Owen, Sandoval, Shaffer, Spence, Takis, Tapia, Taylor, Teck, Tochtrop, Tupa, Veiga, Wiens and Williams.

**SJR06-042** by Senator(s) Tupa, Bacon, Williams, Windels; also Representative(s) Merrifield, Benefield, Pommer--Concerning creation of an interim committee to study a seamless system of education stretching from early childhood through higher education.

On motion of Senator Tupa, the resolution was **adopted** by the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	Y	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	N		

Co-sponsors added: Groff and Shaffer.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB06-015** by Senator(s) Taylor, Hanna, Takis; also Representative(s) Coleman, Schultheis, Vigil, White--Concerning a clarification of the types of motor vehicles included in the centralized fleet of state vehicles, and making an appropriation therefor.

Senator Taylor moved that the Senate concur in House amendments to **SB06-015**, as printed in House Journal, April 28, page 1535. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

**SB06-020** by Senator(s) Hanna, Shaffer; also Representative(s) Green--Concerning the creation of a nurse licensure compact, and making an appropriation therefor.

Senator Shaffer moved that the Senate concur in House amendments to **SB06-020**, as printed in House Journal, April 28, pages 1535-1536. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

Co-sponsors added: Boyd, Entz, Kester, Mitchell, Taylor and Teck.

**SB06-038** by Senator(s) Tapia; also Representative(s) Knoedler--Concerning investigation of insurance fraud, and making an appropriation.

Senator Tapia moved that the Senate concur in House amendments to **SB06-038**, as printed in House Journal, April 28, page 1535. The motion was **passed** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

Co-sponsors added: Boyd and Fitz-Gerald.

**SB06-094**

by Senator(s) Spence; also Representative(s) Lindstrom--Concerning the regulation of motor carriers by the public utilities commission.

Senator Spence moved that the Senate concur in House amendments to **SB06-094**, as printed in House Journal, April 28, page 1535. The motion was **LOST** by the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	N
Boyd	N	Isgar	N	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	N	Shaffer	N	Veiga	N
Entz	Y	Keller	N	Spence	Y	Wiens	Y
Evans	Y	Kester	N	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	N	Taylor	N	President	N
Grossman	N	McElhany	Y	Teck	Y		

Senator Spence moved that the Senate not concur in House amendments to **SB06-094**, as printed in House Journal, April 28, page 1535, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

**SB06-171**

by Senator(s) Johnson; also Representative(s) Lindstrom--Concerning the transfer of certain authorities of the state board of health to other governmental entities, and making an appropriation therewith.

Senator Johnson moved that the Senate concur in House amendments to **SB06-171**, as printed in House Journal, April 28, page 1537. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

Co-sponsors added: Evans.

**SB06-105**

by Senator(s) Takis; also Representative(s) Cerbo--Concerning the regulation of mechanical conveyances, and making an appropriation therefor.

Senator Takis moved that the Senate concur in House amendments to **SB06-105**, as printed in House Journal, April 28, page 1538. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	N	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	N	Teck	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

**SB06-152** by Senator(s) Teck; also Representative(s) Buescher--Concerning the oversight of investments for specified institutions of higher education.

Senator Teck moved that the Senate concur in House amendments to **SB06-152**, as printed in House Journal, April 28, pages 1535-1537 and May 1, pages 1568-1569. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	N
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

#### APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Takis, Chairman, Isgar, and Spence as Senate Conferees on the First Conference Committee on **SB06-094**.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that HB06-1393 be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that HB06-1400 be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that HB06-1384 be referred to the Committee on Appropriations with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that SB06-239 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 18, after line 5, insert the following:

"SECTION 9. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mortuary cash fund created in section 12-54-114 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2006, the sum of one hundred twenty thousand five hundred fifty dollars (\$120,550) and 1.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, one hundred one thousand two hundred fifteen dollars (\$101,215) and 1.8 FTE shall be allocated to the center for health and environmental information, and nineteen thousand three hundred thirty-five dollars (\$19,335) shall be allocated to administration and support, for legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2006, the sum of nineteen thousand three hundred thirty-five dollars (\$19,335), or so much thereof as may be necessary, for the provision of legal services to the department of public health and environment related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of public health and environment out of the appropriation to administration and support made in subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 1, strike line 103 and substitute "BUSINESS, AND MAKING AN APPROPRIATION THEREFOR."

THIRD READING OF BILLS -- FINAL PASSAGE -- CONSENT CALENDAR

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB06-1323 by Representative(s) Marshall, Massey; also Senator(s) Kester--Concerning fraud in the mortgage lending process, and, in connection therewith, imposing a minimum fine, limiting plea bargains, and giving the attorney general concurrent jurisdiction.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Grossman, Isgar, Shaffer, Spence, Tapia, Teck, Tochtrop, Tupa and Williams.

**HB06-1364** by Representative(s) Madden; also Senator(s) Shaffer--Concerning offenses related to the location of a protected person.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Fitz-Gerald, Groff, Tochtrop and Williams.

**THIRD READING OF BILLS -- FINAL PASSAGE**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

**HB06-1054** by Representative(s) Plant; also Senator(s) Groff--Concerning AIDS prevention, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	Y
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	N	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Fitz-Gerald, Grossman, Sandoval, Shaffer, Tapia, Tochtrop, Tupa, Veiga and Williams.

**HB06-1006** by Representative(s) Butcher; also Senator(s) Tapia--Concerning referral by an insurance company of an insured to a personal property repair business, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Tochtrop.

**HB06-1278** by Representative(s) Weissmann; also Senator(s) Keller--Concerning the public reporting of hospital statistics by means of a hospital report card, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Fitz-Gerald, Groff, Shaffer, Tupa, Williams and Windels.

**HB06-1360** by Representative(s) Riesberg; also Senator(s) Tupa--Concerning the advancement of new bioscience discoveries at Colorado research institutions through evaluation, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Boyd, Entz, Evans, Hagedorn, Isgar, Keller, Shaffer, Taylor, Teck, Tochtrop, Williams and Windels.



**HB06-1347** by Representative(s) McGihon, Buescher, Boyd, Carroll T., Cerbo, Cloer, Decker, Liston, Madden, Penry, Riesberg, Stengel, Todd, White, Witwer; also Senator(s) Traylor, Shaffer, Gordon, Groff, Johnson, Kester, Mitchell, Wiens--Concerning creation of the "Identity Theft and Financial Fraud Deterrence Act", and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Boyd, Evans, Grossman, Keller, Spence, Teck, Tochtrop, Tupa and Williams.

**HB06-1339** by Representative(s) Garcia; also Senator(s) Spence--Concerning the creation of a Denver broncos special license plate, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	N
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	N	Teck	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Johnson and Williams.

**HB06-1176** by Representative(s) Ragsdale; also Senator(s) May R.--Concerning the authorization of kit motor vehicles.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Owen, Spence and Williams.

**HB06-1387** by Representative(s) Garcia, May M.; also Senator(s) Veiga--Concerning real estate foreclosures.

Laid over until Wednesday, May 3, retaining its place on the calendar.

**HB06-1330** by Representative(s) Romanoff, Stengel; also Senator(s) Fitz-Gerald, Mitchell--Concerning information filed with the division of insurance by specified types of insurers, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Gordon, Shaffer and Tochtrop.

**HB06-1317** by Representative(s) Madden; also Senator(s) Fitz-Gerald--Concerning the development of state energy planning information, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	N
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	Y	President	Y
Grossman	Y	McElhany	N	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Gordon, Groff, Grossman, Hagedorn, Shaffer, Tapia, Tochtrop, Tupa, Veiga, Williams and Windels.

**HB06-1024** by Representative(s) Frangas; also Senator(s) Tapia--Concerning underserved students at institutions of higher education.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Shaffer, Tochtrop and Windels.

**HB06-1266** by Representative(s) Larson, Frangas; also Senator(s) Veiga--Concerning the recovery of public assistance payments for which a judgment has been issued.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd and Williams.

**HB06-1394** by Representative(s) Vigil; also Senator(s) Teck--Concerning authorization for rental companies of class A motor vehicles to pay two percent of rental fees in lieu of paying on the vehicle's taxable value when paying specific ownership taxes.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Kester and Taylor.

**HB06-1306** by Representative(s) Knoedler; also Senator(s) Traylor--Concerning the requirement of a statewide audit to study the implementation of the "Secure and Verifiable Identity Document Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Evans.

**HB06-1346** by Representative(s) McGihon; also Senator(s) Shaffer--Concerning dependent health care coverage for a minor child of a person eligible for dependent coverage.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Fitz-Gerald, Groff, Tochtrop and Windels.

**HB06-1392** by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning the authority of the division of alcohol and drug abuse to regulate treatment facilities.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	N	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Tochtrop, Williams and Windels.

Committee of the Whole On motion of Senator Grossman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Grossman was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB06-1363** by Representative(s) Benefield, McGihon, Solano, Soper, Todd; also Senator(s) Shaffer--Concerning grants for programs designed to prevent juvenile delinquency, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 28, pages 1103-1104 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Gordon.

Amend reengrossed bill, page 2, after line 1, insert the following:

**"SECTION 1. Legislative declaration.** (1) The general assembly hereby finds that:

(a) A large percentage of Colorado students spend an average of

six hours without supervision before and after school due to a lack of available before-school and after-school programs;

(b) Several studies show that violent juvenile crime is most likely to occur in the afternoon hours, after school dismisses and before students' parents arrive home from work, and that the odds that a child will be a victim of violent crime more than triples during this time period;

(c) Studies also demonstrate that unsupervised children are three times more likely to smoke, drink, or take drugs than their supervised peers and that incidents of relatively low-level crimes, such as graffiti and vandalism, increase dramatically among unsupervised youth;

(d) Several studies confirm that participation in youth development programs before and after school not only provides youth with necessary adult supervision but also significantly decreases youth involvement in unhealthy and high-risk activities;

(e) In recent years, due to budgetary pressures at the state and local levels, school districts have had to significantly reduce their offerings of before-school and after-school programs, including athletics and other extracurricular activities, and the state appropriations to fund student dropout prevention and intervention programs at the state level have been significantly decreased, resulting in a severe decrease in the before-school and after-school program options available to parents whose children need supervision during these hours.

(2) The general assembly therefore finds that creation of the Colorado student delinquency prevention program in section 25-20.5-205, Colorado Revised Statutes, to fund before-and-after school youth development programs is necessary to ensure the availability of effective programs to provide necessary supervision for youth, reduce juvenile criminal behavior, and help to ensure that the youth of the state become healthy, mature, contributing members of society. The general assembly further concludes that creation of the Colorado student delinquency prevention program provides specific recognition of a category of programs that, although not previously recognized as a distinct state-level program, have been eligible for and have received funding through the Tony Grampas youth services program. Creation of the delinquency prevention program further restores funding for these before-and-after school programs through specific allocation of a percentage of the amount collected from a surcharge imposed on persons who commit crimes."

Renumber succeeding sections accordingly.

Page 2, strike lines 8 through 19.

Strike page 3.

Page 4, strike lines 1 through 9.

Renumber succeeding subsections accordingly.

Page 4, line 19, strike "(6)" and substitute "(5)".

Page 6, line 23, strike "(6)." and substitute "(5).".

Page 9, line 23, strike "(6)," and substitute "(5),".

Page 12, line 4, strike "(6)," and substitute "(5),".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1362** by Representative(s) Massey, Jahn; also Senator(s) Veiga--Concerning the creation of performance-based incentives for the motion picture industry to work in Colorado, and making an appropriation therefor.

Amendment No. 1(L.007), by Senator Veiga.

Amend reengrossed bill, page 3, line 5, after "**Colorado** -" insert "**film incentives cash fund** -".

Page 7, line 9, after "TRANSFERRED", insert "TO THE FUND".

Page 8, after line 7, insert the following:

"(6) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE FILM INCENTIVES CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(I) MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH SECTION 12-47.1-701 (4) (a), C.R.S.; AND

(II) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.

(b) THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION. ALL MONEYS NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.";

strike lines 12 through 27.

Strike page 9.

Page 10, strike lines 1 through 6 and substitute the following:

"SECTION 3. Effective date. This act shall take effect upon passage; except that section 1 of this act shall only take effect if House Bill 06-1201 is enacted at the Second Regular Session of the Sixty-fifth General Assembly and becomes law."

Renumber succeeding section accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1326** by Representative(s) Crane, Riesberg, Liston, Coleman, Schultheis, Marshall, Butcher, Todd, Balmer, Benefield, Berens, Borodkin, Boyd, Cadman, Carroll T., Clapp, Cloer, Curry, Decker, Frangas, Gardner, Green, Hall, Harvey, Hefley, Hodge, Hoppe, Jahn, Kerr, King, Knoedler, Larson, Lindstrom, Lundberg, Massey, May M., McCluskey, McFadyen, McGihon, McKinley, Merrifield, Paccione, Penry, Rose, Soper, Stafford, Stengel, Sullivan, Vigil, Welker, White, Witwer; also Senator(s) Grossman, Spence, Brophy, Hanna, Kester, May R., Shaffer, Taylor--Concerning identity theft, and making an appropriation in connection therewith.

Amendment No. 1(L.003), by Senator Grossman.

Amend reengrossed bill, page 12, after line 26, insert the following:

"SECTION 10. 6-1-711 (2), Colorado Revised Statutes, is amended to read:

**6-1-711. Restrictions on credit card receipts - legislative declaration - application - definitions.** (2) No person that accepts credit cards for the transaction of business shall print more than the last five digits of the credit card account number or print the credit card expiration date, or both, on a credit card receipt. ~~to the cardholder~~".

Renumber succeeding sections accordingly.

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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1311** by Representative(s) Curry, Hoppe; also Senator(s) Isgar--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list, recapitalizing the species conservation trust fund, and making an appropriation.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1310** by Representative(s) Buescher, Plant, Hall; also Senator(s) Owen, Tapia, Keller--Concerning simplifying procedures for distributing tobacco settlement moneys among the programs currently receiving the moneys, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 28, pages 1104-1107 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1337** by Representative(s) Butcher, Gallegos, McKinley; also Senator(s) Entz, Taylor--Concerning penalties levied against a person who violates water quality control provisions, and making an appropriation therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 26, page 1050 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Williams.

Amend reengrossed bill, page 3, line 4, strike "VIOLATION PER".

Amendment No. 3(L.012), by Senators Tapia and Grossman.

Amend reengrossed bill, page 3, line 4, strike "~~ten~~ TWENTY-FIVE" and substitute "ten";

line 5, strike "occurs." and substitute "occurs";

line 6, before "IN", insert "FOR THE FIRST VIOLATION AND NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS PER DAY FOR EACH DAY DURING WHICH SUCH VIOLATION OCCURS FOR SUBSEQUENT VIOLATIONS AT THE SAME POINT SOURCE WITHIN ONE CALENDAR YEAR.".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

(For further action, see Amendments to the Report of the Committee of the Whole.)

**HB06-1304** by Representative(s) Sullivan; also Senator(s) Taylor--Concerning contributions to volunteer firefighter pension funds, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 28, page 1107 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1270** by Representative(s) Merrifield, Paccione, Benefield, Larson, Massey, McKinley, Pommer, Solano, Todd; also Senator(s) Gordon--Concerning the authority of public school personnel to make determinations of eligibility for certain public medical benefits, and making an appropriation in connection therewith.

Amendment No. 1(L.008), by Senator Gordon.

Amend reengrossed bill, page 4, line 10, after "TO", insert "A

REQUIREMENT THAT", and strike "THAT".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1171** by Representative(s) Riesberg; also Senator(s) Groff--Concerning alcohol- and drug-related driving offenses, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 25, pages 1028-1029 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1153** by Representative(s) Berens, Hefley, Balmer, Cloer, Crane, Frangas, Gardner, Hall, Harvey, Kerr, King, Knoedler, Lindstrom, Liston, Lundberg, Massey, May M., McFadyen, Penry, Rose, Schultheis, Soper, Stafford, Sullivan, Todd, Welker, White, Witwer; also Senator(s) Mitchell, Bacon, Dyer, Johnson, Jones, Lamborn, May R., Shaffer, Spence--Concerning changes to Colorado's sex offender registration laws, and making an appropriation in connection therewith.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1257** by Representative(s) Green; also Senator(s) Keller--Concerning noise mitigation measures along state highways, and making an appropriation therefor.

Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, April 21, pages 994-995 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 28, pages 1107-1108 and placed in members' bill files.)

Amendment No. 3(L.018), by Senator Wiens.

Amend reengrossed bill, page 3, after line 1, insert the following:

"**SECTION 1.** 24-32-114 (1) (b) (I), Colorado Revised Statutes, is amended to read:

**24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal.** (1) Moneys appropriated from the waste tire recycling development cash fund, created in section 25-17-202 (3), C.R.S., to the division of local government in accordance with said section, shall be deposited in the waste tire cleanup fund, which fund is hereby created in the state treasury, for use in accordance with this section. In addition to moneys otherwise provided as funds are available and within appropriated amounts, moneys in the waste tire cleanup fund, less a proportionate share of the administrative costs of the department of local affairs in administering the fund, including 0.5 full-time equivalent employees (FTE), shall be expended for the following purposes:

(b) (I) Up to twenty percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be expended to provide for tire reuse or recycling incentives in public projects for products that contain or make use of recycled, RECAPPED, AND OTHER PREVIOUSLY USED waste tires. The director shall determine how moneys for such incentives shall be distributed among projects. Any state agency is authorized to expend tire reuse or recycling incentive moneys distributed pursuant to this section."

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB06-1151** by Representative(s) Hefley; also Senator(s) Groff--Concerning the crime of felony child abuse, and making an appropriation therefor. 1  
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Amendment No. 1, Judiciary Committee Amendment. 4  
(Printed in Senate Journal, April 27, page 1060 and placed in members' bill files.) 5  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 7  
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- HB06-1058** by Representative(s) Pommer; also Senator(s) Williams--Concerning creation of a surcharge to be paid by persons convicted of certain crimes against children, and making an appropriation therewith. 10  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 14  
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- HB06-1045** by Representative(s) McCluskey, Butcher, Frangas, Todd; also Senator(s) Keller, Gordon, Tochtrop--Concerning public reporting of hospital-acquired infections, and making an appropriation therefor. 16  
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Amendment No. 1(L.012), by Senator Keller. 20  
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Amend reengrossed bill, page 3, line 3, strike "**reports.**" and substitute "**reports - repeal.**" 22  
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Page 7, after line 17, insert the following: 25  
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"(7) (a) SUBSECTIONS (4), (5), AND (6) OF THIS SECTION AND THIS SUBSECTION (7) ARE REPEALED, EFFECTIVE JULY 1, 2016. 27  
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(b) PRIOR TO SUCH REPEAL, THE ADVISORY COMMITTEE AND ITS FUNCTIONS SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S." 30  
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Page 11, after line 12, insert the following: 34  
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"**SECTION 3.** 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read: 36  
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**2-3-1203. Sunset review of advisory committees.** (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal: 39  
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(cc) JULY 1, 2016: THE ADVISORY COMMITTEE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-3-602 (4), C.R.S., AND THE ADVISORY COMMITTEE'S FUNCTIONS, AS SPECIFIED IN SECTION 25-3-602 (5) AND (6), C.R.S." 43  
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Renumber succeeding sections accordingly. 49  
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Amendment No. 2(L.013), by Senator Tochtrop. 52  
53  
Amend reengrossed bill, page 3, line 7, strike "AND"; 54  
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after line 7, insert the following: 56  
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"(III) ABDOMINAL SURGICAL SITE INFECTIONS; AND". 58  
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Renumber succeeding subparagraphs accordingly. 60  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 63  
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- HB06-1017** by Representative(s) Hall; also Senator(s) Veiga, Spence--Concerning the creation of a performance-based incentive for employers that create high quality new jobs in the state, and making an appropriation therefor. 66  
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Amendment No. 1(L.013), by Senator Veiga.

Amend reengrossed bill, page 3, line 6, after "**creation -**", insert "**new jobs incentives cash fund -**".

Page 9, after line 3, insert the following:

"(9) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE NEW JOBS INCENTIVES CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(I) MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH SECTION 12-47.1-701 (4) (a), C.R.S.; AND

(II) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.

(b) THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION. ALL MONEYS NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.";

strike lines 8 through 27.

Strike page 10.

Page 11, strike lines 1 through 8 and substitute the following:

"**SECTION 3. Effective date.** This act shall take effect upon passage; except that section 1 of this act shall only take effect if House Bill 06-1201 is enacted at the at the Second Regular Session of the Sixty-fifth General Assembly and becomes law.".

Renumber succeeding section accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1149** by Representative(s) Carroll M., Weissmann; also Senator(s) Tupa--Concerning disclosure of additional information to be submitted by professional lobbyists in connection with their disclosure statements filed with the secretary of state under the "Colorado Sunshine Act of 1972", and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 27, page 1061, was declared LOST.)

Amendment No. 2(L.020), by Senator Tupa.

Strike the Judiciary Committee Report, dated April, 26, 2006, and substitute the following:

"Amend reengrossed bill, page 3, strike lines 24 through 27 and substitute the following:

"ADVOCATE OR MONITOR IN CONNECTION WITH THE LEGISLATION.".

Page 4, line 1, strike "MATTER";

strike lines 8 through 10 and substitute the following:

"GENERAL ASSEMBLY FAILS TO SHOW ANY BILL NUMBERS OR NATURE OF THE LEGISLATION, AS APPLICABLE, THE DISCLOSING PERSON SHALL BE";

line 12, strike "SPECIFIC OR POTENTIAL";

line 16, after the period, add "FOR PURPOSES OF THIS SUBPARAGRAPH (X),

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"LEGISLATION" MEANS THE PROCESS OF MAKING OR ENACTING LAW IN WRITTEN FORM IN THE FORM OF CODES, STATUTES, OR RULES.

Page 5, line 10, strike "PERSON" and substitute "PERSONAL".

Amendment No. 3(L.021), by Senators Gordon and McElhany.

Amend reengrossed bill, page 2, after line 1, insert the following:

**"SECTION 1.** Part 1 of article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**2-2-102.5. Senate district 15 - nuclear waste.** SENATE DISTRICT 15 SHALL BE THE NUCLEAR WASTE DISPOSAL SITE FOR COLORADO."

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1011** by Representative(s) McCluskey; also Senator(s) Sandoval--Concerning child exploitation offenses, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 27, pages 1060-1061 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Sandoval.

Amend the Judiciary Committee Report, dated April 26, 2006, page 2, strike line 2 and substitute the following:

"REGARDING ALL CATEGORIES OF INFORMATION IDENTIFIED IN 18 U.S.C. SEC. 2703 (c) (2) THAT ARE IN ITS POSSESSION WITHIN TEN DAYS AFTER";

line 9, strike "IMMEDIATELY AND WITHOUT" and substitute "AS SOON AS REASONABLY POSSIBLE.";

strike line 10;

line 19, strike "SERVICE" and substitute "ACCESS";

line 27, strike "APPLICABLE" and substitute "AVAILABLE, THE SUBSCRIBER'S CITY AND STATE OR ZIP CODE.";

strike lines 28 through 33.

Page 3, line 6, change the last period to a semicolon;

after line 6 of the committee report, insert the following:

"line 18, after "6-2.7-102", insert "(1) OR (2)";

strike line 26 and substitute "THIS SUBSECTION (1).";

strike line 27.

Page 10, strike lines 1 through 3.

Renumber succeeding subsection accordingly."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1004** by Representative(s) Green; also Senator(s) Windels--Concerning the creation of a grant program to provide funding for organizations that supply accessible educational materials

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for students with print disabilities, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 27, page 1078 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1001** by Representative(s) Merrifield; also Senator(s) Evans--Concerning principals in public schools, and making an appropriation in connection therewith.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 27, page 1078 and placed in members' bill files.)

Amendment No. 2(L.015), by Senator Gordon.

Amend reengrossed bill, page 11, after line 12, insert the following:

**"SECTION 7. Legislative declaration.** (1) (a) The general assembly hereby finds that:

(I) Leadership is a crucial factor in the success of school districts and schools;

(II) Without strong leadership at all levels, especially at the district and school-building level, educational reforms often fail or are short-lived;

(III) Studies show that school leadership is second only to teacher quality in significantly affecting student learning;

(IV) The demands and expectations for persons serving as principals have increased substantially as a result of education reform initiatives such as standards-based education and the requirements of the federal "No Child Left Behind Act of 2001", 20 U.S.C. sec. 6301 et seq. Corresponding levels of support and training for persons serving as principals have not increased in relation to the increase in demands and expectations.

(V) As educational experts begin to recognize the importance of strong educational leadership, school districts are experiencing a shortage of well-trained educational leaders who are interested in taking on the challenges of being a school principal; and

(VI) Methods of recruiting persons to serve as principals and programs for training new principals and supporting existing principals have taken on greater importance as the school districts and schools across the state work to support and improve school leadership in public schools.

(b) The general assembly therefore concludes that it is necessary to create a principal recruitment and training planning council in section 22-9.5-102, Colorado Revised Statutes, to review the issues surrounding school leadership in this state and to develop a statewide plan to help ensure that school districts can meet the leadership demands of their schools placed on them by state and federal laws.

(2) The general assembly further finds that a well-trained, professional principal who is a dynamic leader is a key ingredient of success in reforming low-performing schools. To accomplish meaningful and lasting school reform, the school principal must be an accomplished and motivating manager, demonstrate exceptional communication skills, and thoroughly understand the theory and pedagogy that support effective learning. It is the principal, working productively with the teachers, students, and parents at a school, who creates and sustains the vision that changes a school from unsatisfactory to high-performing. The general assembly recognizes that the skills that make an effective and successful principal require training and on-going support through high-quality professional development programs and activities. The general assembly

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therefore finds that it is appropriate to create the principal development scholarship program in section 22-9.5-202, Colorado Revised Statutes, to assist principals in offsetting the costs incurred in obtaining on-going professional development."	1
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Renumber succeeding sections accordingly.	6
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Page 11, strike lines 19 through 27.	8
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Page 12, strike lines 1 through 23.	10
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Renumber succeeding C.R.S. sections accordingly.	12
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Page 13, line 3, strike "22-9.5-103." and substitute "22-9.5-102."	14
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Page 15, line 8, strike "ANY REASON." and substitute "REASONS OF INCOMPETENCE, NEGLECT OF DUTY, OR MALFEASANCE."	16
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Page 19, strike lines 11 through 25.	18
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Renumber succeeding C.R.S. sections accordingly.	20
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Page 20, line 3, strike "22-9.5-203." and substitute "22-9.5-202.;"	22
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line 14, strike "22-9.5-204." and substitute "22-9.5-203.;"	24
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line 17, strike "22-9.5-205." and substitute "22-9.5-204."	26
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Page 23, line 10, strike "22-9.5-205," and substitute "22-9.5-204,".	28
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<u>Amendment No. 3(L.016), by Senators Tupa and Evans.</u>	31
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Amend reengrossed bill, page 11, strike lines 16 through 27.	33
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Strike pages 12 through 18.	35
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Page 19, strike lines 1 through 10 and substitute the following:	37
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<b>"Principal Development Scholarship Program".</b>	39
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Renumber succeeding C.R.S. sections accordingly.	41
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Page 19, line 27, strike "PART 2," and substitute "ARTICLE,".	43
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Page 20, line 3, strike "22-9.5-203." and substitute "22-9.5-103.;"	45
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line 14, strike "22-9.5-204." and substitute "22-9.5-104.;"	47
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line 17, strike "22-9.5-205." and substitute "22-9.5-105."	49
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Page 22, line 1, strike "PART 2." and substitute "ARTICLE.;"	51
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line 2, strike "PART 2" and substitute "ARTICLE";	53
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line 10, strike "PART 2," and substitute "ARTICLE,;"	55
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line 19, strike "PART 2." and substitute "ARTICLE."	57
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Page 23, line 10, strike "22-9.5-205," and substitute "22-9.5-105,".	59
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<u>Amendment No. 4(L.017), by Senator Evans.</u>	62
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Amend reengrossed bill, page 5, line 24, after "PROGRAMS", insert "AND ALTERNATIVE FORMS OF PRINCIPAL PREPARATION".	64
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	67
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(For further action, see Amendments to the Report of the Committee of the Whole.)	69

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB06-1145, HB06-1312, HB06-1331, HB06-1344, HB06-1057) of May 2, was laid over until the next General Orders -- Second Reading of Bills calendar of May 2, retaining its place on the calendar.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB06-1337** by Representative(s) Butcher, Gallegos, McKinley; also Senator(s) Entz, Taylor-- Concerning penalties levied against a person who violates water quality control provisions, and making an appropriation therewith.

Senator Tapia moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 06-1337 did pass.

Amend the Tapia and Grossman floor amendment, (HB1337\_L.012), page 1, line 7, strike "YEAR." and substitute "YEAR; EXCEPT THAT THE PENALTY FOR A GENERAL CONTRACTOR WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR OF ANY PERMIT ISSUED UNDER THIS ARTICLE SHALL NOT BE MORE THAN TEN THOUSAND DOLLARS.".

The amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	N	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	N	McElhany	Y	Teck	Y		

**HB06-1001** by Representative(s) Merrifield; also Senator(s) Evans--Concerning principals in public schools, and making an appropriation in connection therewith.

Senator Gordon moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 06-1001 did pass.

Amend the Gordon floor amendment, (HB1001\_L.015), page 1, strike lines 2 through 22.

Page 2, strike lines 1 through 11 and substitute the following:

""SECTION 7. Legislative declaration. The general assembly further finds that a well-trained,";

line 24, strike "22-9.5-202," and substitute "22-9.5-102,";

strike lines 28 through 31.

Page 3, line 3, strike ""22-9.5-202.;" and substitute ""22-9.5-102.;";

line 4, strike ""22-9.5-203.;" and substitute ""22-9.5-103.;";

line 5, strike ""22-9.5-204." and substitute ""22-9.5-104.";

strike ""22-9.5-204,." and substitute ""22-9.5-104,.";

The amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

**HB06-1337** by Representative(s) Butcher, Gallegos, McKinley; also Senator(s) Entz, Taylor-- Concerning penalties levied against a person who violates water quality control provisions, and making an appropriation therewith.

Senator Isgar moved to amend the Report of the Committee of the Whole to show that HB 06-1337, as amended, was laid over to the next general orders calendar of May 2, 2006, retaining its place on the calendar.

The amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	N	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	N
Entz	N	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	N	Takis	N	Williams	N
Gordon	Y	Lamborn	Y	Tapia	N	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	N	McElhany	Y	Teck	Y		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Grossman, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: HB06-1363 as amended, HB06-1362 as amended, HB06-1326 as amended, HB06-1311, HB06-1310 as amended, HB06-1304 as amended, HB06-1270 as amended, HB06-1171 as amended, HB06-1153, HB06-1257 as amended, HB06-1151 as amended, HB06-1058, HB06-1045 as amended, HB06-1017 as amended, HB06-1149 as amended, HB06-1011 as amended, HB06-1004 as amended, HB06-1001 as amended.

Laid over until the next General Orders -- Second Reading of Bills calendar of May 2: HB06-1145, HB06-1312, HB06-1331, HB06-1344, HB06-1057, HB06-1337 as amended.

**COMMITTEE OF REFERENCE REPORTS**

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB06-1396** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, line 5, strike "(1)";

line 7, strike "PROGRAM AND MONEYS TRANSFERRED THERETO" and substitute "PROGRAM.";

line 8, strike "PURSUANT TO SUBSECTION (2) OF THIS SECTION.";

line 9, strike "TRANSMITTED TO THE TREASURER, WHO SHALL CREDIT THE SAME" and substitute "APPROPRIATED";

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strike lines 20 through 27.

Page 6, strike lines 1 through 5;

strike lines 16 through 27.

Page 7, strike lines 1 through 6 and substitute the following:

**"SECTION 3. Appropriation.** In addition to any other appropriation, for the fiscal year beginning July 1, 2006, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the school-based health center grant program fund, created in section 25-20.5-504, Colorado Revised Statutes, the sum of five hundred thousand dollars (\$500,000) and 1.0 FTE, and such sum, or so much thereof as may be necessary, is further appropriated to the department of public health and environment, prevention services division, for the implementation of this act."

Renumber succeeding sections accordingly.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB06-1092** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 21 and 22 and substitute the following:

"(g) Any misdemeanor in violation of ~~sections~~ SECTION 18-6-403 (3) (b.5), AS IT EXISTED PRIOR TO JULY 1, 2006, and SECTION 18-7-208, C.R.S.; or"

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB06-1322** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

**"SECTION 1.** 39-29-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal.** (1.5) (a) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE CONTRARY, FOR THREE STATE FISCAL YEARS BEGINNING WITH THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2006, A PORTION OF THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND SHALL BE TRANSFERRED TO THE COLORADO RENEWABLE ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101, C.R.S., FOR THE PURPOSES STATED IN SECTION 24-47.5-102 (2), C.R.S. THE AMOUNT TRANSFERRED SHALL BE TWO MILLION DOLLARS PER YEAR EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-47.5-103, C.R.S.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2009.

**SECTION 2.** Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 47.5  
Renewable Energy Authority**

**24-47.5-101. Renewable energy authority - creation.**  
(1) THERE IS HEREBY CREATED THE COLORADO RENEWABLE ENERGY AUTHORITY, REFERRED TO IN THIS ARTICLE AS THE AUTHORITY, WHICH SHALL BE A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE. THE AUTHORITY SHALL NOT BE AN AGENCY OF STATE

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GOVERNMENT, NOR SHALL IT BE SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE STATE, EXCEPT TO THE EXTENT PROVIDED BY THIS ARTICLE.

(2) (a) THE POWERS OF THE AUTHORITY SHALL BE VESTED IN A BOARD OF DIRECTORS.

(b) UNTIL JULY 1, 2008, THE BOARD SHALL CONSIST OF THE FOLLOWING FOUR EX OFFICIO MEMBERS: THE PRESIDENTS OF THE COLORADO SCHOOL OF MINES, COLORADO STATE UNIVERSITY, AND THE UNIVERSITY OF COLORADO AND THE DIRECTOR OF THE NATIONAL RENEWABLE ENERGY LABORATORY.

(c) ON AND AFTER JULY 1, 2008, THE BOARD SHALL CONSIST OF THE EX OFFICIO MEMBERS DESIGNATED IN PARAGRAPH (b) OF THIS SUBSECTION (2) AND UP TO TWO ADDITIONAL MEMBERS APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE. THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD SHALL BE FOUR YEARS. AN APPOINTED MEMBER SHALL BE ELIGIBLE FOR REAPPOINTMENT. EACH MEMBER SHALL HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN APPOINTED AND THE SENATE HAS CONFIRMED THE APPOINTMENT. A VACANCY IN THE MEMBERSHIP OCCURRING OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT, BUT FOR THE UNEXPIRED TERM ONLY. EACH APPOINTED MEMBER MAY BE REMOVED FROM OFFICE BY THE GOVERNOR FOR CAUSE, AFTER A PUBLIC HEARING, AND MAY BE SUSPENDED BY THE GOVERNOR PENDING THE COMPLETION OF SUCH HEARING.

(3) THE MEMBERS OF THE BOARD SHALL ELECT A CHAIR AND A VICE-CHAIR. THE MEMBERS OF THE BOARD SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO NEED NOT BE MEMBERS, AND THE SAME PERSON MAY BE ELECTED TO SERVE AS BOTH SECRETARY AND TREASURER. THE POWERS OF THE BOARD MAY BE VESTED IN THE OFFICERS FROM TIME TO TIME. FOUR MEMBERS SHALL CONSTITUTE A QUORUM. NO VACANCY IN THE MEMBERSHIP OF THE BOARD SHALL IMPAIR THE RIGHT OF A QUORUM OF THE MEMBERS TO EXERCISE ALL THE POWERS AND PERFORM ALL THE DUTIES OF THE BOARD.

(4) EACH MEMBER OF THE BOARD NOT OTHERWISE IN FULL-TIME EMPLOYMENT OF THE STATE SHALL RECEIVE A PER DIEM OF FIFTY DOLLARS FOR EACH DAY ACTUALLY AND NECESSARILY SPENT IN THE DISCHARGE OF OFFICIAL DUTIES, AND ALL MEMBERS SHALL RECEIVE TRAVELING AND OTHER NECESSARY EXPENSES ACTUALLY INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES.

**24-47.5-102. Renewable energy authority - powers and duties.**

(1) EXCEPT AS OTHERWISE LIMITED BY THIS ARTICLE, THE AUTHORITY, ACTING THROUGH THE BOARD, HAS THE POWER:

(a) TO HAVE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND DISABILITIES OF A BODY CORPORATE AND POLITICAL SUBDIVISION OF THE STATE;

(b) TO SUE AND BE SUED;

(c) TO HAVE AN OFFICIAL SEAL AND TO ALTER THE SAME AT THE BOARD'S PLEASURE;

(d) TO MAKE AND ALTER BYLAWS FOR ITS ORGANIZATION AND INTERNAL MANAGEMENT AND FOR THE CONDUCT OF ITS AFFAIRS AND BUSINESS;

(e) TO MAINTAIN AN OFFICE AT SUCH PLACE OR PLACES WITHIN THE STATE AS IT MAY DETERMINE;

(f) TO ACQUIRE, HOLD, USE, AND DISPOSE OF ITS INCOME, REVENUES, FUNDS, AND MONEYS;

(g) TO MAKE AND ENTER INTO ALL CONTRACTS, LEASES, AND

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AGREEMENTS THAT ARE NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF ITS DUTIES AND THE EXERCISE OF ITS POWERS UNDER THIS ARTICLE;

(h) TO ACQUIRE, LEASE AS LESSEE OR LESSOR, RENT, HOLD, USE, AND DISPOSE OF REAL OR PERSONAL PROPERTY FOR ITS PURPOSES;

(i) TO DEPOSIT ANY MONEYS OF THE AUTHORITY IN ANY BANKING INSTITUTION WITHIN OR OUTSIDE THE STATE;

(j) TO FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR AND SPECIAL MEETINGS ARE TO BE HELD; AND

(k) TO DO ANY AND ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT ITS PURPOSES AND EXERCISE THE POWERS GIVEN AND GRANTED IN THIS ARTICLE.

(2) THE AUTHORITY SHALL:

(a) PROVIDE MATCHING FUNDS TO SUPPORT A PROPOSAL OF A CONSORTIUM CONSISTING OF THE COLORADO SCHOOL OF MINES, COLORADO STATE UNIVERSITY, UNIVERSITY OF COLORADO, AND NATIONAL RENEWABLE ENERGY LABORATORY, REFERRED TO IN THIS ARTICLE AS THE CONSORTIUM, FOR ENERGY RESEARCH FUNDING FROM THE UNITED STATES DEPARTMENT OF ENERGY AND SUBSEQUENT RESEARCH FUNDING FROM FEDERAL AGENCIES AND OTHER PUBLIC AND PRIVATE ENTITIES;

(b) PROMOTE RAPID TRANSFER OF NEW TECHNOLOGIES DEVELOPED BY THE CONSORTIUM TO THE PRIVATE SECTOR THROUGH TECHNOLOGY LICENSING AND OTHER MEANS TO ATTRACT AND PROMOTE RENEWABLE ENERGY BUSINESSES IN COLORADO;

(c) DEVELOP EDUCATIONAL AND RESEARCH PROGRAMS FOR COLORADO STATE COLLEGES IN COLLABORATION WITH THE CONSORTIUM THAT WILL TRANSLATE INTO HIGH-TECHNOLOGY EMPLOYMENT OPPORTUNITIES FOR COLORADO STUDENTS AND RESIDENTS;

(d) FACILITATE COLLABORATIONS WITH EXISTING AND NEW OUTREACH PROGRAMS TO PROVIDE A REGIONAL RESOURCE FOR ARCHITECTS, ENGINEERS, AND OTHER BUILDING DESIGN PROFESSIONALS; ENVIRONMENTAL GROUPS; STATE AND LOCAL GOVERNMENT AGENCIES; UTILITIES; INDEPENDENT POWER PRODUCERS; AND THE GENERAL PUBLIC; AND

(e) SUPPORT DEVELOPMENT OF THE CONSORTIUM, INCLUDING FUNDING OF ANY JOINT INSTITUTE OR OTHER ENTITY CREATED BY THE COLORADO SCHOOL OF MINES, COLORADO STATE UNIVERSITY, AND UNIVERSITY OF COLORADO OR THE CONSORTIUM TO JOINTLY PURSUE RENEWABLE ENERGY RESEARCH.

**24-47.5-103. Funding - appropriations contingent on receipt of federal grant moneys - repeal.** (1) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2006, AND IN EACH OF THE STATE FISCAL YEARS COMMENCING ON JULY 1, 2007, AND JULY 1, 2008, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO MILLION DOLLARS FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109, C.R.S., TO THE AUTHORITY FOR THE PURPOSES SPECIFIED IN SECTION 24-47.5-102; EXCEPT THAT, IF A GRANT OF FEDERAL MONEYS IS NOT RECEIVED FROM THE UNITED STATES DEPARTMENT OF ENERGY, DURING THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2006, THE UNEXPENDED AND UNENCUMBERED BALANCE OF SAID APPROPRIATION SHALL REVERT TO THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND AND NO FURTHER APPROPRIATION SHALL BE MADE PURSUANT TO THIS SECTION.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

**SECTION 3. Appropriation.** In addition to any other

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appropriation, there is hereby appropriated, out of any moneys in the operational account of the severance tax trust fund created in section 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the Colorado renewable energy authority created in section 24-47.5-101, Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the sum of two million dollars (\$2,000,000), or so much thereof as may be necessary, for the implementation of this act; except that, if a grant of federal moneys is not received from the United States department of energy, during the state fiscal year commencing on July 1, 2006, the unexpended and unencumbered balance of said appropriation shall revert to the operational account of the severance tax trust fund.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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**SENATE SERVICES REPORT**

**Correctly Printed:** SB06-239; SJR06-052, and 053.

**Correctly Engrossed:** SJR06-019, 039, and 041.

**Correctly Reengrossed:** SB06-214, 219, 222, 227, 228, 229, 230, 234, 236, and 237.

**Correctly Revised:** HB06-1006, 1024, 1054, 1176, 1266, 1278, 1306, 1317, 1323, 1330, 1337, 1339, 1346, 1347, 1360, 1364, 1387, 1394, and 1392.

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: HB06-1132, 1251, 1273, 1355.

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Senate in recess.                      Senate reconvened.

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Call of the Senate.                      Call raised.

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**COMMITTEE OF REFERENCE REPORTS**

**FIRST MAJORITY REPORT OF FIRST CONFERENCE  
COMMITTEE ON HB06-1090**

\*\*\*\*\*  
**THIS REPORT AMENDS THE  
REREVISED BILL**  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB06-1090, concerning unlawful sexual behavior, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 5, strike line 1 and substitute the following:

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"(b) Victims of childhood sexual abuse frequently";

line 6, after "report", insert "childhood";

line 20, after the semi-colon, add "and";

line 23, strike "expenses; and" and substitute "expenses.";

strike lines 24 and 25;

line 27, after "of", insert "childhood".

Page 6, line 9, after "past", insert "childhood";

strike lines 17 and 18 and substitute the following:

"it is necessary to enact this act to address past childhood sexual abuse injustices and assist childhood sexual";

line 23, strike "sexual abuse incidents" and substitute "incidents of childhood sexual abuse";

line 25, strike "sexual assault or".

Page 7, line 7, strike "the cause of action accrues." and substitute "the victim turns eighteen years of age.";

line 8, strike "bill" and substitute "act";

line 10, strike "molesters and other sexual abuse actors," and substitute "molesters,";

line 17, after "longstanding", insert "childhood";

line 20, strike "sexual misconduct" and substitute "childhood sexual abuse".

Page 13, line 1, strike "AND" and substitute "OR";

after line 4, insert the following:

(c) (I) IN EACH ACTION FILED PURSUANT TO THIS SUBSECTION (9), THE PLAINTIFF'S ATTORNEY SHALL FILE WITH THE COURT A CERTIFICATE OF REVIEW, AS SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), WITHIN SIXTY DAYS AFTER THE SERVICE OF THE COMPLAINT AGAINST THE DEFENDANT, UNLESS THE COURT DETERMINES FOR GOOD CAUSE SHOWN THAT A LONGER PERIOD IS NECESSARY.

(II) IN THE EVENT OF FAILURE TO FILE A CERTIFICATE OF REVIEW IN ACCORDANCE WITH THIS PARAGRAPH (c), THE DEFENSE MAY MOVE THE COURT FOR AN ORDER REQUIRING FILING OF THE CERTIFICATE. THE COURT SHALL GIVE PRIORITY TO DECIDING THE MOTION, AND THE COURT SHALL NOT ALLOW THE CASE TO BE SET FOR TRIAL WITHOUT A DECISION ON THE MOTION.

(III) A CERTIFICATE OF REVIEW SHALL BE EXECUTED BY THE ATTORNEY FOR THE PLAINTIFF DECLARING:

(A) THAT THE ATTORNEY HAS CONSULTED WITH A LICENSED MENTAL HEALTH PROFESSIONAL WHO HAS EXPERIENCE IN DEALING WITH VICTIMS OF CHILDHOOD SEXUAL ABUSE; AND

(B) THE LICENSED MENTAL HEALTH PROFESSIONAL HAS EVALUATED THE PLAINTIFF AND DETERMINED THAT THE PLAINTIFF EXHIBITS THE INDICATORS OF HAVING BEEN SEXUALLY ABUSED AS A CHILD.

(IV) THE COURT, IN ITS DISCRETION, MAY REQUIRE THE IDENTITY OF THE LICENSED MENTAL HEALTH PROFESSIONAL WHO WAS CONSULTED

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PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) TO BE DISCLOSED TO THE COURT AND MAY VERIFY THE CONTENT OF THE CERTIFICATE OF REVIEW. THE IDENTITY OF THE LICENSED MENTAL HEALTH PROFESSIONAL NEED NOT BE IDENTIFIED TO THE OPPOSING PARTY OR PARTIES IN THE CIVIL ACTION.

(V) THE FAILURE TO FILE A CERTIFICATE OF REVIEW IN ACCORDANCE WITH THIS PARAGRAPH (c) SHALL RESULT IN THE DISMISSAL OF THE COMPLAINT. THE PROVISIONS OF THIS PARAGRAPH (c) SHALL NOT AFFECT THE RIGHTS AND OBLIGATIONS UNDER SECTION 13-17-102.

(VI) AS USED IN THIS PARAGRAPH (c), "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHIATRIST LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., A PSYCHOLOGIST LICENSED PURSUANT TO PART 3 OF ARTICLE 43 OF TITLE 12, C.R.S., OR A CLINICAL SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF ARTICLE 43 OF TITLE 12, C.R.S."

Reletter succeeding paragraphs accordingly.

Page 13, line 5, after "CONTRARY," insert "A JUDGEMENT AWARDED TO".

Page 25, line 3, strike "SERVICE" and substitute "ACCESS".

Page 26, strike lines 14 through 17 and substitute the following:

"Senate Bill 06-022 is enacted and becomes law and except that section 9 of this act shall not take effect if House Bill 06-1011 is enacted at the Second Regular Session of the Sixty-fifth General Assembly and becomes law."

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendment be recommended:

Amend rerevised bill, page 13, after line 16, insert the following:

"(10) IF A PROVISION OF THIS SECTION OR OF A SUBSECTION OF THIS SECTION OR THE APPLICATION THEREOF TO A PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION OR OF A SUBSECTION OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION AND OF EACH SUBSECTION OF THIS SECTION ARE DECLARED TO BE SEVERABLE."

Respectfully submitted,

House Committee:  
(signed)  
Representative Green, Chair  
Representative McGihon

Senate Committee:  
(signed)  
Senator Tupa, Chair  
Senator Fitz-Gerald

FIRST MINORITY REPORT OF FIRST CONFERENCE  
COMMITTEE ON HB06-1090

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB06-1090, concerning unlawful sexual behavior, has met, and a minority thereof reports that it has agreed upon the following:

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That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 4, strike lines 24 through 27.

Strike pages 5 and 6.

Page 7, strike lines 1 through 21.

Re-number succeeding sections accordingly.

Page 12, strike lines 13 through 27.

Page 13, strike lines 1 through 16.

Page 18, strike lines 1 through 6 and substitute the following:

"(d) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 24-10-114 AND 24-10-118(1) (b), (1) (c), AND (1) (d), C.R.S., A PERSON WHO BRINGS AN ACTION PURSUANT TO THIS SUBSECTION (2) MAY RECOVER AGAINST A PUBLIC ENTITY AND AGAINST A PUBLIC EMPLOYEE ACTUAL DAMAGES, NONECONOMIC DAMAGES AS PROVIDED IN SECTION 13-21-102.5, AND EXEMPLARY DAMAGES AS PROVIDED IN SECTION 13-21-102.".

Page 25, line 3, strike "SERVICE" and substitute "ACCESS".

Page 26, strike lines 14 through 17 and substitute the following:

"Senate Bill 06-022 is enacted and becomes law and except that section 9 of this act shall not take effect if House Bill 06-1011 is enacted at the Second Regular Session of the Sixty-fifth General Assembly and becomes law.".

Respectfully submitted,

House Member:  
(signed)  
Representative Gardner

Senate Member:  
(signed)  
Senator Mitchell

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB06-209

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB06-209, concerning creation of a task force to study Colorado's system of higher education financing, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 2, line 14, strike "THE GOVERNOR SHALL APPOINT";

strike lines 15 and 16;

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line 21, strike "EACH" and substitute "THE".

Respectfully submitted,

Senate Committee:  
(signed)  
Senator Windels, Chair  
Senator Bacon  
Senator Spence

House Committee:  
(signed)  
Representative Paccione, Chair  
Representative Merrifield  
Representative Larson

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB06-051

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THIS REPORT AMENDS THE  
REREVISED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB06-051,  
concerning benefits that may be accepted by certain public officials, and,  
in connection therewith, prohibiting certain public officials from  
accepting monetary gifts , has met and reports that it has agreed upon the  
following:

That the Senate accede to the House amendments made to the bill,  
as the amendments appear in the rerevised bill, with the following  
changes:

Amend rerevised bill, page 2, line 13, strike "(3) (d),".

Page 3, strike line 27.

Page 4, strike lines 9 and 10 and substitute the following:

"DUTIES UNDERTAKEN BY THE INCUMBENT OR ELECTED CANDIDATE; OR";

line 17, after "LIMITATION,", insert "PAYMENT FOR A SPEECH,  
APPEARANCE, OR PUBLICATION OR".

Respectfully submitted,

Senate Committee:  
(signed)  
Senator Tupa, Chair  
Senator Groff

House Committee:  
(signed)  
Representative Weissmann  
Representative Carroll

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MESSAGE FROM THE HOUSE

May 2, 2006

Madame President:

The House has adopted and returns herewith SJR06-031

The House has adopted and transmits herewith HJR06-1035, HJR06-1034.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
HB06-1408.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes  
 HB06-1352, amended as printed in House Journal, April 5, pages 1052-1053.  
 HB06-1409, amended as printed in House Journal, May 1, page 1575.  
 HB06-1403, amended as printed in House Journal, May 1, page 1591.  
 HB06-1358, amended as printed in House Journal, May 1, page 1597.  
 HB06-1402, amended as printed in House Journal, May 1, pages 1598-1599.  
 HB06-1411, amended as printed in House Journal, May 1, page 1603.

The House has passed on Third Reading and returns herewith SB06-212, 217, 022, 128.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;  
 SB06-045, amended as printed in House Journal, May 1, page 1575.  
 SB06-063, amended as printed in House Journal, May 1, page 1576.  
 SB06-061, amended as printed in House Journal, May 1, page 1594.  
 SB06-073, amended as printed in House Journal, May 1, page 1595.  
 SB06-208, amended as printed in House Journal, May 1, pages 1586-1590.  
 SB06-036, amended as printed in House Journal, May 1, page 1592-1593.  
 SB06-110, amended as printed in House Journal, May 1, page 1597.  
 SB06-213, amended as printed in House Journal, May 1, page 1601.  
 SB06-206, amended as printed in House Journal, May 1, pages 1601-1602.  
 SB06-069, amended as printed in House Journal, May 1, page 1602.  
 SB06-218, amended as printed in House Journal, May 1, page 1602.  
 SB06-148, amended as printed in House Journal, May 1, page 1602.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
 SB06-149, amended on Third Reading as printed in House Journal May 2.

The House has voted to concur in the Senate amendments to HB06-1281, 1147,  
 and has repassed the bills as so amended.

In response to the request of the Senate, the Speaker has appointed Representatives  
 Lindstrom, chairman, McFayden, and Knoedler as House conferees on the First  
 Conference Committee on SB06-094.

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**MESSAGE FROM THE REVISOR OF STATUTES**

May 2, 2006

We herewith transmit:

Without comment, as amended, HB06-1352, 1358, 1402, 1403, 1408, 1409, and 1411.  
 Without comment, as amended, SB06-036, 045, 061, 063, 069, 073, 110, 148, 149, 206,  
 208, 213, and 218.

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**MESSAGE FROM THE GOVERNOR**

May 1, 2006

To the Honorable  
 Senate  
 Sixty-fifth General Assembly  
 Second Regular Session  
 Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State  
 the following Acts:

S.B. 06-002 – Concerning Mandatory Disclosure In Connection With The Purchase Of  
 Residential Real Property Of Whether The Property Has Been Used As A  
 Methamphetamine Laboratory.

Approved May 1, 2006 at 12:20 p.m.

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S.B. 06-024 – Concerning Student Data From The Elementary To Secondary Education System Through The Postsecondary Education System.

Approved May 1, 2006 at 12:20 p.m.

S.B. 06-025 – Concerning Modifications To The Statute Governing Unlawful Ownership Of A Dangerous Dog.

Approved May 1, 2006 at 12:21 p.m.

S.B. 06-035 – Concerning The Creation Of A Program To Provide Premium Subsidies To Certain Individuals Enrolled In A Qualifying Health Benefit Plan, And, In Connection Therewith, Referring Study Of Creation Of The Program To The Health Care Task Force.

Approved May 1, 2006 at 12:22 p.m.

S.B. 06-090 – Concerning Local Government Cooperation With Federal Officials Regarding The Immigration Status Of Persons In This State.

Approved May 1, 2006 at 12:22 p.m.

S.B. 06-199 – Concerning The Child Care Licensing Act.

Approved May 1, 2006 at 12:22 p.m.

Sincerely,  
(signed)

Bill Owens

Governor

Rec'd 5/2/06, 12:55 p.m.

Karen Kuhlmann, Asst. Secy. of the Senate

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## INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- HB06-1352** by Representative(s) McFadyen, Buescher, Butcher, Curry, Gallegos, Massey; also Senator(s) Gordon--Concerning an expansion of water judges' jurisdiction to address the effects of a water right adjudication on water quality.  
Agriculture, Natural Resources & Energy
- HB06-1358** by Representative(s) Coleman, Merrifield, Benefield, Larson; also Senator(s) Grossman, Jones--Concerning students who enroll in higher education courses while still enrolled in high school.  
State, Veterans & Military Affairs
- HB06-1402** by Representative(s) Penry, Plant, Hall, Lundberg, Gardner, Berens, Buescher, May M.; also Senator(s) Grossman--Concerning the securitization of a portion of the right of the state to receive tobacco litigation settlement payments in an amount that allows the state to continue to fund tobacco programs with unsecuritized payments at the levels specified under current law in order to reduce future state budget volatility by paying in full outstanding obligations of the state that would otherwise be paid over multiple fiscal years while providing initial funding for a new budget stabilization fund, and, in connection therewith, creating a tobacco litigation settlement financing corporation to make securitization feasible, specifying the allocation of the net proceeds of securitization, and making an appropriation therefor.  
State, Veterans & Military Affairs
- HB06-1403** by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning incentives for a school district to realign public education within the school district, and making an appropriation therefor.  
Education
- HB06-1408** by Representative(s) Massey; also Senator(s) Taylor--Concerning off-site ground water monitoring wells in mining operations.  
Agriculture, Natural Resources & Energy

**HB06-1409** by Representative(s) Jahn; also Senator(s) Tochtrop--Concerning the authority to simulcast out-of-state greyhound races at greyhound race facilities. Agriculture, Natural Resources & Energy

**HB06-1411** by Representative(s) White, Weissmann, Paccione; also Senator(s) Tochtrop--Concerning the circumstances under which private property may be acquired by public entities through exercise of the power of eminent domain in furtherance of a public use, and, in connection therewith, prohibiting private property from being taken by the state or any political subdivision unless the condemning entity establishes that the taking is for a public use, excluding takings for economic development or tax revenue enhancement from the meaning of public use, and requiring that a condemnation action satisfy a higher degree of proof when the taking is for the eradication of blight. State, Veterans & Military Affairs

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**HJR06-1034** by Representative(s) Paccione; also Senator(s) Gordon--Concerning a request to the United States Senate to pass the "Stem Cell Research Enhancement Act of 2005". Laid over one day under Senate Rule 30(e).

**HJR06-1035** by Representative(s) McKinley; also Senator(s) Kester, Tochtrop--Concerning the proposed expansion of the Pinon Canyon Maneuver Site. Laid over one day under Senate Rule 30(e).

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB06-1145, HB06-1312, HB06-1331, HB06-1344, HB06-1057, HB06-1337 as amended, SCR06-008, SB06-239, HB06-1211, HB06-1315, HB06-1380, HB06-1388, HB06-1390 were made Special Orders at 4:30 p.m.

Committee of the Whole The hour of 4:30 p.m. having arrived, Senator Grossman moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Grossman was called to the Chair to act as Chairman.

**SPECIAL ORDERS -- SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB06-1145** by Representative(s) Solano, Curry, Gallegos, Larson, Lindstrom, Merrifield, Paccione, Penry, Riesberg, Soper, Buescher, Benefield, Jahn, Ragsdale, Todd; also Senator(s) Teck, Bacon, Hanna, Shaffer, Tochtrop, Williams, Windels--Concerning the development of a comprehensive response to the methamphetamine problem in Colorado, and, in connection therewith, creating a legislative oversight committee to examine the prevention, intervention, and treatment of the abuse of methamphetamine and to examine the production and distribution of methamphetamine, establishing a state methamphetamine task force, strengthening the laws concerning methamphetamine, and making an appropriation.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 25, pages 1026-1027 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 28, pages 1109-1110 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

- HB06-1312** by Representative(s) Vigil, Cloer, Garcia, Kerr; also Senator(s) Sandoval, Brophy, Teck, Veiga--Concerning written responses issued by the executive director of the department of revenue upon the request of taxpayers, and making an appropriation therefor. 1  
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- Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, April 26, page 1041 and placed in members' bill files.) 16  
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- Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 28, page 1110 and placed in members' bill files.) 29  
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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 42  
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- HB06-1331** by Representative(s) Plant; also Senator(s) Tapia--Concerning the regulation of landscape architects, and making an appropriation therefor. 53  
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- Amendment No. 1, Business, Labor, and Technology Committee Amendment.  
(Printed in Senate Journal, April 19, page 950 and placed in members' bill files.) 70  
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- Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 28, pages 1110-1116 and placed in members' bill files.) 101  
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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 201  
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- HB06-1057** by Representative(s) Stafford; also Senator(s) Johnson--Concerning criminal acts involving animals, and making an appropriation in connection therewith. 301  
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- Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, April 28, page 1025-1026 and placed in members' bill files.) 401  
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- Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 28, page 1108 and placed in members' bill files.) 501  
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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 601  
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- SB06-239** by Senator(s) Johnson; --Concerning the regulation of persons who provide for the final disposition of dead human bodies in the course of business. 701  
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- Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, May 2, page 1150 and placed in members' bill files.) 801  
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- Amendment No. 2(L.001), by Senators Johnson and Williams. 901  
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- Amend printed bill, page 14, line 20, strike the second "THE" and substitute "AN ANNUAL". 1001  
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 1101  
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- HB06-1211** by Representative(s) Frangas, Cloer; also Senator(s) Keller--Concerning sanctions under the medical assistance program. 1201  
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- Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, May 1, page 1137 and placed in members' bill files.) 1301  
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- Amendment No. 1(L.017), by Senator Keller. 1401  
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- Amend reengrossed bill, page 3, before line 1, insert the following: 1501  
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- "SECTION 2. Relocation of harmonizable provisions.** Section 26-4-402.5, Colorado Revised Statutes, as enacted in section 1 of this act will be renumbered as and relocated to section 25.5-4-107, Colorado 1601  
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Revised Statutes, only if Senate Bill 06-219 is enacted and becomes law."

Renumber succeeding section accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1315** by Representative(s) Hefley; also Senator(s) Gordon--Concerning juveniles who are convicted as adults of class 1 felonies, and making an appropriation in connection therewith.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1380** by Representative(s) Riesberg; also Senator(s) Veiga--Concerning the development of measures to reduce the theft of retail goods.

Amendment No. 1, Business, Labor, and Technology Committee Amendment.  
(Printed in Senate Journal, May 1, page 1133 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1388** by Representative(s) Buescher; also Senator(s) Sandoval--Concerning the ability of the executive director of the department of revenue to address alleged violations relating to motor vehicle dealers.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1390** by Representative(s) Crane; also Senator(s) Tochtrop--Concerning the transportation of mobile crane equipment as a nondivisible load.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB06-1344** by Representative(s) Plant, Madden; also Senator(s) Fitz-Gerald--Concerning authorization of domestic partnerships between same-sex couples, and, in connection therewith, creating the "Colorado Domestic Partnership Benefits and Responsibilities Act" to extend benefits, protections, and responsibilities to such couples, and making an appropriation.

Laid over until Wednesday, May 3, retaining its place on the calendar.

**HB06-1337** by Representative(s) Butcher, Gallegos, McKinley; also Senator(s) Entz, Taylor--Concerning penalties levied against a person who violates water quality control provisions, and making an appropriation therewith.

(Amended in General Orders as printed in Senate Journal, May 2, pages 1159, 1166, and 1167.)

Amendment No. 4(L.013), by Senators Tapia and Entz.

Strike the Tapia committee of the whole amendment, (SC1337COW.001), as printed in Senate Journal, May 2, page \_\_\_\_, lines \_\_\_\_, and substitute the following:

"Amend the Tapia and Grossman floor amendment, (HB1337\_L.012), page 1, line 6, strike "YEAR." and substitute "YEAR; EXCEPT THAT THE PENALTY FOR A VIOLATION OCCURRING AT A CONSTRUCTION SITE UNDER THIS ARTICLE SHALL NOT BE MORE THAN TEN THOUSAND DOLLARS."."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

(For further action, see Amendments to the Report of the Committee of the Whole.)

**SCR06-008** by Senator(s) Gordon, Evans; --Submitting to the registered electors of the state of Colorado amendments to sections 44, 47, and 48 of article V of the constitution of the state of Colorado, concerning redistricting by the general assembly pursuant to a plan prepared by the nonpartisan staff of the general assembly without the ability to adopt substantive

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amendments to the plan, and, in connection therewith, repealing the reapportionment commission.

Laid over until Wednesday, May 3, retaining its place on the calendar.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB06-1337** by Representative(s) Butcher, Gallegos, McKinley; also Senator(s) Entz, Taylor-- Concerning penalties levied against a person who violates water quality control provisions, and making an appropriation therewith.

Senators Lamborn and Isgar moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 06-1337 did pass.

Strike the Appropriations Committee Report, dated April 26, 2006.

Strike the Tapia and Grossman floor amendment, (HB1337\_L.012).

Strike the Tapia and Entz floor amendment, (HB1337\_L.013).

Strike the Williams floor amendment, (HB1337\_L.009).

Strike the Tapia committee of the whole amendment, (SC1337COW.001), as printed in Senate Journal, May 2, page \_\_\_\_, lines \_\_\_\_:

Strike the Entz committee of the whole amendment, (SC1337COW.002), as printed in Senate Journal, May 2, page \_\_\_\_, lines \_\_\_\_ and substitute the following:

"Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

**"SECTION 1.** 25-8-608, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**25-8-608. Civil penalties - repeal.** (3) (a) DURING THE 2006 INTERIM, THE WATER RESOURCES REVIEW COMMITTEE, CREATED IN SECTION 37-98-102, C.R.S., SHALL CONSIDER ISSUES RAISED IN THE REENGROSSED VERSION OF HOUSE BILL 06-1337 AS ADOPTED BY THE HOUSE OF REPRESENTATIVES DURING THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE DECEMBER 31, 2006.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."."

The amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

YES	17	NO	16	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	N
Boyd	Y	Isgar	Y	Owen	E	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
Dyer	Y	Jones	Y	Shaffer	N	Veiga	N
Entz	N	Keller	N	Spence	Y	Wiens	Y
Evans	Y	Kester	N	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	Y
Groff	N	May R.	E	Taylor	N	President	N
Grossman	N	McElhany	Y	Teck	Y		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Grossman, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: HB06-1145 as amended, HB06-1312 as amended, HB06-1331 as amended, HB06-1057 as amended, SB06-239 as amended, HB06-1211 as amended, HB06-1315, HB06-1380 as amended, HB06-1388, HB06-1390, HB06-1337 as amended. Laid over until Wednesday, May 3: HB06-1344, SCR06-008.

**COMMITTEE OF REFERENCE REPORTS**

Finance

After consideration on the merits, the Committee recommends that **HB06-1398** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 12 through 16 and substitute the following:

"(II) (A) IF HOUSE BILL 06-1018 IS NOT ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY AND DOES NOT BECOME LAW, FOUR AND SIX HUNDRED FORTY-FIVE THOUSANDTHS PERCENT OFF ALL NET REVENUE, LESS TWO MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS, TO THE GENERAL FUND; OR

(B) IF HOUSE BILL 06-1018 IS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY AND BECOMES LAW, FOUR AND SIX HUNDRED FORTY -FIVE THOUSANDTHS PERCENT OFF ALL NET REVENUE, LESS THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS, TO THE GENERAL FUND.

(III) (A) IF HOUSE BILL 06-1018 IS NOT ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY AND DOES NOT BECOME LAW, TWO MILLION DOLLARS TO THE OLDER COLORADANS CASH FUND; OR

(B) IF HOUSE BILL 06-1018 IS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY AND BECOMES LAW, THREE MILLION DOLLARS TO THE OLDER COLORADANS CASH FUND."

Page 13, after line 20, insert the following:

"**SECTION 8. Effective date.** This act shall take effect July 2, 2006."

Renumber succeeding section accordingly.

Finance

After consideration on the merits, the Committee recommends that **HB06-1399** be referred to the Committee on Appropriations with favorable recommendation.

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB06-1003** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 2, after "Statutes," insert "as amended by Senate Bill 06-078, enacted at the Second Regular Session of the Sixty-fifth General Assembly,".

Page 16, line 15, after the second "TO", insert "AND RECORDED BY".

Page 17, line 5, after "INTEREST", insert "AND MAP OF THE THREE-MILE CORRIDOR".

Page 18, line 8, after "HIGHWAY", insert "PROJECT".

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Page 20, after line 3, insert the following:

"SECTION 2. 38-2-101 (2), (3), and (4), Colorado Revised Statutes, as enacted by Senate Bill 06-115, enacted at the Second Regular Session of the Sixty-fifth General Assembly, are amended, and the said 38-2-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**38-2-101. Who may condemn real estate, rights-of-way, or other rights - additional requirements for private toll roads and toll highways.** (2) Notwithstanding the provisions of subsection (1) of this section, a ~~corporation formed for the purpose of constructing a private toll road or toll highway~~ COMPANY may not condemn real estate or right-of-way, but the department of transportation may exercise, subject to the conditions and limitations set forth in sections 7-45-104 and 43-1-1202 (1) (f), C.R.S., the power of eminent domain ~~in connection with a toll road or toll highway project~~ FOR PURPOSES OF ACQUIRING PROPERTY AND RIGHTS-OF-WAY NECESSARY FOR THE COMPLETION OF A TOLL ROAD OR TOLL HIGHWAY OPEN TO THE PUBLIC THAT IS INCORPORATED INTO THE COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN PREPARED PURSUANT TO SECTION 43-1-1103 (5), C.R.S., AND IS BEING UNDERTAKEN AS A PUBLIC-PRIVATE INITIATIVE BETWEEN THE DEPARTMENT AND ~~SUCH A CORPORATION~~ THE COMPANY. Such a ~~corporation~~ TOLL ROAD OR TOLL HIGHWAY COMPANY shall, within six months after the date of its ~~incorporation~~ FILING OF ITS FILED FORMATION DOCUMENT, file and record with the county clerk and recorder of each county through which any portion of the proposed toll road or toll highway will pass a map or survey of the proposed route of the toll road or toll highway. The ~~corporation~~ TOLL ROAD OR TOLL HIGHWAY COMPANY shall include with the map or survey a statement of the proposed route of the toll road or toll highway, within three miles, and a listing of all property over or across which the proposed toll road or toll highway will be constructed, and shall file and record supplementary maps, surveys, statements, and listings upon any lawful change of the proposed route of the toll road or toll highway.

(3) Nothing in this section shall be construed to authorize any ~~corporation~~ TOLL ROAD OR TOLL HIGHWAY COMPANY to construct a ~~private~~ toll road or toll highway through, in, upon, under, or over any street or alley of any city, incorporated town, county, or city and county without first obtaining the consent of the municipal or county authorities having power to give the consent of the city, incorporated town, county, or city and county.

(4) (a) A political subdivision may levy a tax, fee, or charge ON A TOLL ROAD OR TOLL HIGHWAY COMPANY for any right or privilege of constructing or operating a ~~private~~ toll road or toll highway such as a street or public highway construction permit fee or an impact fee or other similar development charge designed to fund expenditures by the political subdivision on capital facilities needed to serve the toll road or toll highway, but shall only levy a construction permit fee to the extent that the permit fee applies to all persons seeking a construction permit.

(b) All permit fees, impact fees, or other similar development charges levied by a political subdivision on a ~~corporation~~ TOLL ROAD OR TOLL HIGHWAY COMPANY constructing or operating a ~~private~~ toll road or toll highway shall be no greater than necessary to defray the costs directly incurred by the political subdivision in providing services, and, in the case of impact fees or other development charges, shall be no greater than necessary to defray impacts directly related to the toll road or toll highway. The fees and charges shall also be reasonably related in time to the incurrence of the impacts or costs. In any controversy concerning the appropriateness of a fee or charge, the political subdivision shall have the burden of proving that the fee or charge is no greater than necessary to defray the direct impacts or costs incurred by the political subdivision. All costs of construction shall be borne by the ~~corporation~~ TOLL ROAD OR TOLL HIGHWAY COMPANY constructing or operating the toll road or toll highway.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

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REQUIRES:

(a) "FILED FORMATION DOCUMENT" SHALL HAVE THE MEANING SET FORTH IN SECTION 7-45-102 (7), C.R.S.

(b) "TOLL ROAD OR TOLL HIGHWAY" SHALL HAVE THE MEANING SET FORTH IN SECTION 7-45-102 (8), C.R.S.

(c) "TOLL ROAD OR TOLL HIGHWAY COMPANY" SHALL HAVE THE MEANING SET FORTH IN SECTION 7-45-102 (9), C.R.S."

Renumber succeeding sections accordingly.

Page 20, line 12, strike "AS";

line 14, strike "AS".

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB06-1178** be referred to the Committee of the Whole with favorable recommendation.

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB06-1302** be referred to the Committee on Appropriations with favorable recommendation.

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**TRIBUTES**

Honoring:

- Tim Weilbert -- by Senator Johnson.
- Heather Coy -- by Senator Johnson.
- Mental Health Month -- by Senator Keller & Representative Stafford.

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On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of May 2 was laid over until Wednesday, May 3, retaining its place on the calendar.

Consideration of Resolutions: SJR06-029, SJR06-022, HJR06-1016, SR06-010, SJR06-033, SJR06-036, SJR06-040, SJR06-043, SJR06-044, SJR06-045, SJR06-049, SR06-012, HJR06-1023, SJR06-051, SJR06-052, SJR06-053, HJR06-1024, HJR06-1025.

Consideration of Memorials: SJM06-001, HJM06-1002, SJM06-004.

Consideration of House Amendments to Senate Bills: SB06-014.

Consideration of House Adherence: HB06-1159.

Consideration of Governor's Appointments:

- Members of the Read-To-Achieve Board.
- Members of the Financial Services Board.
- Members of the Colorado Banking Board.
- Member of the Board of Trustees for Western State College of Colorado.
- Executive Director of the Colorado Commission on Higher Education.
- Member of the Colorado State Fair Authority Board of Commissioners.
- Member of the CoverColorado Board of Directors.
- Members of the Examining Board of Plumbers.
- Members of the Colorado Tourism Office Board of Directors.
- Members of the Colorado Limited Gaming Control Commission.
- State Board of Equalization.
- Member of the State Board of Stock Inspection Commissioners.
- Members of the State Board of Nursing.
- Members of the Air Quality Control Commission.
- Members of the Colorado Children's Trust Fund Board.
- Member of the Board of Trustees for Western State College of Colorado.
- Member of the Colorado School of Mines, Board of Trustees.

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Members of the Charter School Institute Board.  
Members of the Board of Trustees for the University of Northern Colorado.  
Conference Committees to Report: HB06-1121, HB06-1169, SB06-047.  
Request for Conference Committee: SB06-080.

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On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, May 3, 2006.

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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